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PATENT APPLICATION

Atty. Docket No. 1600/2900  
TECH. CENTER 1600/2900  
(3999/63)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) Goto et al.

SERIAL NO.: 09/062,113

GROUP NO.: 1647

FILED: April 17, 1998

EXAMINER: Romeo, D.

TITLE: NOVEL PROTEINS AND METHODS FOR PRODUCING THE  
PROTEINS

TERMINAL DISCLAIMER

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

I, \_\_\_\_\_, state that I am authorized to sign on behalf of Snow Brand Milk Products Co., Ltd., identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Application Serial No. 09/062,113. I have reviewed all the evidentiary documents referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of Snow Brand Milk Products Co., Ltd.

Snow Brand Milk Products Co., Ltd. of Mitsuhamma Building, 8F, 2-1 Yotsuya, 1-Chome, Shinjuku-ku, Tokyo, 160-0004, Japan, is the owner of the above-referenced U.S. Application Serial No. 09/062,113, filed by Goto et al. on April 17, 1998, and co-pending predecessor U.S. Application Serial No. 08/915,004, filed August 20, 1997. Title to these patent documents currently is in the name of Snow Brand Milk Products Co., Ltd., by virtue of an assignment of all right, title and interest in inventions and improvements which are the subject of U.S. Serial No. 08/915,004. The assignment of U.S. Application Serial No. 08/915,004 to Snow Brand Milk Products Co., Ltd. was submitted for recordation in the United States Patent and Trademark Office on August 20, 1997 and recorded at Reel 8770, Frame 0661.

Snow Brand Milk Products Co., Ltd. hereby disclaims the terminal portion of the term of latter-to-issue patent granted on the instant U.S. Application Serial No. 09/062,113 or on co-pending predecessor application U.S. Serial No. 08/915,004, which would extend beyond the

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expiration date of the full statutory term of the earlier-to-issue patent granted on either U.S. Application Serial No 09/062,113 or 08/915,004. Snow Brand Milk Products Co., Ltd. hereby agrees that the latter patent so granted as between the instant application U.S. Application Serial No. 09/062,113 and 08/ 915,004 shall be enforceable only for and during such period that the legal title to said latter-to-issue patent shall be the same as the legal title to any patent granted as between said applications, and that this agreement shall be binding upon the grantor and its or their successors or assigns.

Snow Brand Milk Products Co., Ltd. does not disclaim any terminal portion of the term of the latter-to-issue patent prior to the expiration date of the full statutory term of the earlier-to-issue patent granted as between U.S. Application Serial No. 09/062,113 and 08/ 915,004, in the event that any patent granted on said first-to-issue application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, has all claims canceled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

SNOW BRAND MILK PRODUCTS CO., LTD.

By: \_\_\_\_\_

Title: \_\_\_\_\_ **DRAFT** \_\_\_\_\_

Date: \_\_\_\_\_